

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RON STEPHEN REDHEAD,
Plaintiff,
v.
MERCY HOUSING,
Defendant.

Case No. 16-cv-03254-PJH

**ORDER OF REFERRAL AS TO
WHETHER CASES ARE RELATED**

In the course of reviewing plaintiff Ron Stephen Redhead's application to proceed in forma pauperis, it has come to the attention of the court that this case may be related to an earlier field case, Redhead v. Mercy Housing et al., No. 4:16-cv-0941 YGR. Both cases are based on Redhead's dispute with his neighbor Tim Giangioffe at the Madonna Residence (which is owned by Mercy Housing), as well as the property manager Karen Zhou. In both complaints, Redhead alleges that Giangioffe has put racist letters on his door and that Zhou has failed to stop this harassment and maintain a safe environment at the residence. Compare Complaint, No. 4:16-cv-0941 YGR, at p. 2–3 (Giangioffe "le[ft] racist letters and notes on an African American in his place of residence"; Zhou "allow[ed] this" and "allowed [drug dealers] to roam freely") with Complaint, No. 4:16-cv-3254 PJH, at p. 2–3 (Giangioffe "has put racist and insulting letters on my apartment door"; Zhou "has allowed and supported Tim Giangioffe" and "failed . . . to keep me and all residents safe"). Plaintiff's recent motion to "consider whether cases should be related" appears to acknowledge that the current filing relates to the same dispute as the earlier case, although he filed said notice in this case and not the lowest-numbered case as required by Local Rule 3-12(b). See Dkt. 4.

1 Judge Gonzalez Rogers dismissed the prior case without leave to amend on June
2 6, 2013. See Order Granting Motions to Dismiss Without Leave to Amend, Dkt. 27, No.
3 4:16-cv-0941 YGR. This case was filed one week later.

4 Local Rule 3-12(c) provides that when “a Judge believes that a case pending
5 before that Judge is related to another case, the Judge may refer the case to the Judge
6 assigned to the lowest-numbered case with a request that the Judge assigned to the
7 lowest-numbered case consider whether the cases are related.”

8 Accordingly, pursuant to Local Rule 3-12(c), the court REFERS this action to the
9 Honorable Yvonne Gonzalez Rogers for a determination of whether this action is related
10 to Redhead v. Mercy Housing et al., No. 4:16-cv-0941 YGR.

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12 **IT IS SO ORDERED.**

13 Dated: June 22, 2016

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16 PHYLLIS J. HAMILTON
17 United States District Judge
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